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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,540	05/29/2001	Kari Kirjavainen	2000792US	4027

466 7590 09/26/2003

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ARLINGTON, VA 22202

EXAMINER
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DINH, TIEN QUANG

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/865,540

Applicant(s)

KIRJAVAINEN, KARI

Examiner

Tien Dinh

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8, 10, 12, 13, 22-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 10, 12, 13, 22-27, 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3, 6-8, 10, 12, 13, 22-27, and 29-33 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not understood how the blades can be rotated if their ends are connected together by the joint rings please explain. The applicant has tried to explain how the invention works by citing Gouin or Rosta et al. However, these references were not incorporated in the specification. Furthermore, how are the blades adjusted similarly to the blades with respect to the rotor rims 2 and 3? Are the adjustments of the blades and attachment of the blades on the joint rings the same as rotor rims?

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3644

Claims 1-3, 6-8, 22, 25, 27, 29, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosta et al.

Rosta et al discloses an aircraft rotor having at least two blades (14) that rotate to form a conical surface (see figure 3) on a circular rotor rim 13, which encompasses a circumference of the body. The blades 14 are adjusted to be positive to provide propulsive force. The ascending force coefficients on the forward and rear side can be adjusted to have opposite signs. The ends of the blades belong to the same rotor are connected (see figures 1-3). The ascending force coefficients can be adjusted as a function of the angle of rotation of the rotor and are arranged to be adjusted by changing the blade angle of the blades. The aircraft functions as a wind generator and can be a dwelling for the pilot. The aircraft produces an ascending force when in level flight.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosta et al in view of Langford and Marsi.

Rosta et al discloses all claimed parts except for the use of fuel cells to power electric motors that rotate and control blade angles. However, Langford discloses that electric motors to

Art Unit: 3644

rotate rotors and are powered by fuel cells are well known in the art. Marsi discloses that electric motors to change the blade angles are well known in the art.

It would have been obvious to one skilled in the art at the time the invention was made to have used fuels cells and electric motors to rotate the blades and change the pitch angle of the blades in Rosta et al 's system as taught by Langford and Marsi to create a more efficient and quieter system.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosta et al in view of Langford and Iturralde.

Rosta et al discloses all claimed parts except for surfaces being made up of solar cells. However, Iturralde discloses that surfaces made up of solar cells are known in the art.

It would have been obvious to one skilled in the art at the time the invention was made to have used solar cells on the surfaces Rosta et al 's system as taught by Iturralde to generate electricity.

***Allowable Subject Matter***

Claims 10, 12, 13, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 30, 31, and 33 are allowed.

Art Unit: 3644

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 703-308-2789. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4195 for regular communications and 703-306-4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4195.

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